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MISSOULA, MT

2007 JUN 12 PM 5 20

PATRICK E. DUFFY

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,)	CR 06-02-M-DWM
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
SHAUN MICHAEL MERCER,)	
)	
Defendant.)	
_____)	

United States Magistrate Judge Jeremiah C. Lynch entered Amended Findings and Recommendation in this matter on May 31, 2007. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

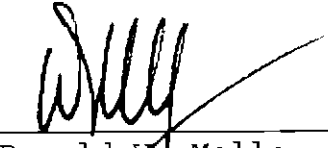
Judge Lynch recommended this Court accept Mercer's guilty

plea after Mercer appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to the charge of misuse of a social security number, in violation of 42 U.S.C. § 408(a)(7)(B).

I find no clear error in Judge Lynch's Amended Findings and Recommendation (dkt #38), and I adopt them in full.

Accordingly, IT IS HEREBY ORDERED that Defendant's motion to change plea (dkt #28) is GRANTED.

DATED this 12th day of June, 2007.



Donald W. Molloy, Chief Judge
United States District Court
